

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENO EUGENE WOODIS,

CASE NO. 1:12-cv-01091-LJO-MJS (PC)

Plaintiff,

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND VACATING FINDINGS AND
RECOMMENDATIONS

v.

PAM OLIVE, et al.,

(ECF Nos. 11 and 12)

Defendants.

_____ /

The Court screened Plaintiff's First Amended Complaint (ECF No. 9) on February 1, 2013, and dismissed it with leave to amend for failure to state a claim (ECF No. 10). The deadline to file an amended complaint passed and the Court issued an order to show cause why Plaintiff's case should not be dismissed for failure to comply with the Court's order and failure to state a claim. (ECF No. 11.) The order to show cause was returned by the U.S. Postal Service as undeliverable and Plaintiff was granted sixty-three days to notify the Court of a current address. By June 20, 2013, more than sixty-three days had passed. Accordingly, the Court issued findings and recommendations to dismiss Plaintiff's

1 action for failure to prosecute. (ECF No. 12.)

2 However, on August 1, 2013, Plaintiff filed a Second Amended Complaint. (ECF
3 No. 13.)

4 In light of Plaintiff having filed an amended complaint, the Court hereby discharges
5 the order to show cause (ECF No. 11) and vacates its findings and recommendations (ECF
6 No. 12).
7

8
9 IT IS SO ORDERED.

10
11 Dated: August 13, 2013

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE